

Message Text

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E.O. 11652: N/A

TAGS: EAIR, UK

SUBJ: CIVAIR - SEABOARD ROUTING PROBLEM

REF: STATE 206367

1. WE HAVE DISCUSSED WITH SEABOARD AND ITS UK LAWYERS CARRIER'S INTENTIONS REGARDING PROBABLE REVOCATION BY UKG OF ITS 1966 PERMITS WHICH ARE NOW SUSPENDED PENDING DEPT. OF TRADE INQUIRY. CARRIER HAS BEEN GIVEN UNTIL SEPT. 26 TO MAKE REPRESENTATIONS TO DOT BUT IT IS EXPECTED THAT REGARDLESS OF REPRESENTATIONS SEABOARD MIGHT MAKE AND DESPITE OFFICIAL USG PPOTEST (REFTEL), DOT'S DECISION WILL BE TO REVOKE 1966 PERMITS AND RE-ISSUE CURRENT TEMPORARY PERMITS AS PERMANENT ONES.

2. SEABOARD'S LAWYERS SAY THAT IF PERMITS ARE REVOKED REASONS MUST BE GIVEN AND, DEPENDING ON WHAT THOSE REASONS ARE, IT MAY BE POSSIBLE TO CHALLENGE DOT DECISION IN UK COURTS. NOTWITHSTANDING COURT OF APPEALS JUDGMENT IN PANAM CASE WHICH MORE OR LESS SAID GOVERNMENT'S POWERS TO MODIFY, SUSPEND OR REVOKE AIRLINE PERMITS ARE ONLY CONSTRAINED BY TEST OF REASONABLENESS AND THAT COURTS SHOULD NOT ATTEMPT TO INTERPRET BILATERAL AGREEMENTS, LAWYERS SEEM TO THINK THAT IF GOVERNMENT, IN REVOKING A PERMIT, COULD BE SHOWN TO HAVE ACTED IN CLEAR BREACH OF A BILATERAL AGREEMENT,

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A COURT COULD DECLARE THAT THE GROUNDS FOR REVOCATION

WERE UNREASONABLE. ALTHOUGH LAWYERS SOUND RATHER CONFIDENT, WE HAVE SOME DOUBTS AS TO WHETHER THIS LINE OF REASONING WOULD STAND UP. SEABOARD HAS MADE NO DECISION ON COURSE IT WILL PURSUE.

RICHARDSON

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